

## **REMARKS / ARGUMENTS**

### **A. Summary of the Amendments**

Claims 1-4, 8-11 and 36 have been amended in order to clarify the subject matter being claimed.

New claims 39-43 have been added to the present application.

The Applicant respectfully submits that support for the amended and new claims exists in the specification as originally filed, and that no new matter has been added to the application. More specifically, support for the subject matter of amended claims 1, 8 and 36, as well as of new claims 39 and 43, may be found at page 8, line 30, to page 10, line 4, of the specification. Furthermore, support for the subject matter of new claims 40-42 may be found at page 11, lines 8-18, of the specification.

### **B. Statements of Rejection and Reply**

#### **35 U.S.C. §102**

In the Office Action, the Examiner has rejected former claims 1-14 and 36 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,483,805 (hereinafter referred to as Davies et al.). The Applicant respectfully submits that the claims as amended distinguish patentably over Davies et al., as discussed below.

The Examiner's attention is directed towards the following limitations of amended claims 1 and 36 [emphasis added]:

1. A transmission device [...] comprising:  
[...]

- a control unit operative to:
    - a) **generate for each packet of each aggregate traffic stream passing from said input to said output a unique packet identifier for distinguishing the respective packet from all of the other packets, by extracting at least a portion of the contents of the respective packet to serve as said packet identifier, wherein said at least a portion of the contents of the respective packet is not specifically designated for packet identification purposes within the respective packet;**
    - b) **maintain a record of the generated packet identifiers;**
- [...]

36. A transmission device [...] comprising:  
[...]

- control means operative to:
    - a) **generate for each packet of each aggregate traffic stream passing from said input means to said output means a unique packet identifier for distinguishing the respective packet from all of the other packets, by extracting at least a portion of the contents of the respective packet to serve as said packet identifier, wherein said at least a portion of the contents of the respective packet is not specifically designated for packet identification purposes within the respective packet;**
    - b) **maintain a record of the generated packet identifiers;**
- [...]

The Applicant respectfully submits that Davies et al. do not disclose, teach nor suggest the invention claimed in amended claims 1 and 36.

More specifically, it is nowhere taught nor suggested in the Davies et al. patent that the control unit of the transmission device generates and records for each packet of each aggregate data stream passing through the transmission device a unique packet identifier, by extracting a portion of the contents of the packet that is not specifically designated for packet identification purposes to serve as the packet identifier, thereby allowing the transmission device to send each aggregate traffic stream to the destination point without adding any data elements to the packets of the aggregate traffic stream.

Thus, the Applicant respectfully submits that the subject matter of claims 1 and 36 as amended is novel and non-obvious over Davies et al. and, as such, in condition for allowance.

In light of the foregoing, claims 2-7 and 39-41 are also believed to be novel, non-obvious and in condition for allowance, since they depend either directly or indirectly from base claim 1.

The Examiner's attention is directed towards the following limitations of amended claim 8 [emphasis added]:

8. A method for forwarding aggregate traffic streams from a transmission device [...] comprising:  
[...]  
a) **generating for each packet of each aggregate data stream passing from said input to said output a unique packet identifier for distinguishing the respective packet from all of the other packets, by extracting at least a portion of the contents of the respective packet to serve as said packet identifier, wherein said at least a portion of the contents of the respective packet is not specifically designated for packet identification purposes within the respective packet;**  
b) **maintaining a record of the generated packet identifiers;**  
[...]

For the same reasons set forth above with respect to claims 1 and 36, the Applicant respectfully submits that claim 8 as amended is neither anticipated nor rendered obvious by Davies et al. and, as such, is in condition for allowance.

In light of the foregoing, claims 9-14 and 42 are also believed to be novel, non-obvious and in condition for allowance, since they depend either directly or indirectly from base claim 8.

The Examiner's attention is directed to the following limitations of new claim 43:

43. A data transmission system comprising:

[...]

— each of said plurality of transmission nodes comprising:

[...]

c) a control unit operative to:

- i) **generate for each packet of each aggregate traffic stream passing from said input means to said output means a unique packet identifier for distinguishing the respective packet from all of the other packets, by extracting at least a portion of the contents of the respective packet to serve as said packet identifier, wherein said at least a portion of the contents of the respective packet is not specifically designated for packet identification purposes within the respective packet;**
- ii) **maintain a record of the generated packet identifiers;**

[...]

For the same reasons set forth above with respect to claims 1 and 36, the Applicant respectfully submits that new claim 43 is neither anticipated nor rendered obvious by Davies et al. and, as such, is in condition for allowance.

### 35 U.S.C. §103

The Examiner has rejected former claims 1-14 and 36 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,519,699 (hereinafter referred to as Ohsawa) in view of U.S. Patent 6,252,851 (hereinafter referred to as Siu et al.).

The Applicant respectfully submits that the claims as amended distinguish patentably over the combination of Ohsawa and Siu et al., as discussed below.

The Examiner's attention is directed towards the following limitations of amended claims 1 and 36 [emphasis added]:

1. A transmission device [...] comprising:

[...]

— a control unit operative to:

- a) **generate for each packet of each aggregate data stream passing from said input to said output a unique packet identifier for distinguishing**

- the respective packet from all of the other packets, by extracting at least a portion of the contents of the respective packet to serve as said packet identifier, wherein said at least a portion of the contents of the respective packet is not specifically designated for packet identification purposes within the respective packet;
- b) maintain a record of the generated packet identifiers;  
[...]

36. A transmission device [...] said transmission device comprising:  
[...]

- control means operative to:
- a) generate for each packet of each aggregate data stream passing from said input means to said output means a unique packet identifier for distinguishing the respective packet from all of the other packets, by extracting at least a portion of the contents of the respective packet to serve as said packet identifier, wherein said at least a portion of the contents of the respective packet is not specifically designated for packet identification purposes within the respective packet;
- b) maintain a record of the generated packet identifiers;  
[...]

The Applicant respectfully submits that the Ohsawa and Siu et al. references, taken alone or in combination, do not disclose, teach or suggest the invention claimed in amended claims 1 and 36.

More specifically, there is no teaching nor suggestion in either of the cited references of the above-emphasized limitations of claims 1 and 36, whereby the control unit of the transmission device generates and records for each packet of each aggregate data stream passing through the transmission device a unique packet identifier, by extracting a portion of the contents of the packet that is not specifically designated for packet identification purposes to serve as the packet identifier.

As set forth in § 2143.03 of the *Manual of Patent Examining Procedure*, in order to establish a prima facie case of obviousness, the combined prior art references must teach or suggest all of the claim limitations. Since the combination of Ohsawa and Siu et al. does not teach all of the limitations of amended claim 1,

nor of amended claim 36, the Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

The Applicant respectfully submits that the subject matter of claims 1 and 36 as amended is novel and non-obvious over Ohsawa in view of Siu et al. and, as such, in condition for allowance.

In light of the foregoing, claims 2-7 and 39-41 are also believed to be novel and non-obvious over Ohsawa in view of Siu et al., since they depend either directly or indirectly from base claim 1.

The Examiner's attention is directed towards the following limitations of independent claim 8 [emphasis added]:

8. A method for forwarding aggregate traffic streams from a transmission device [...], said transmission device comprising:  
[...]
  - said method comprising:  
[...]
    - a) **generating for each packet of each aggregate data stream passing from said input to said output a unique packet identifier for distinguishing the respective packet from all of the other packets, by extracting at least a portion of the contents of the respective packet to serve as said packet identifier, wherein said at least a portion of the contents of the respective packet is not specifically designated for packet identification purposes within the respective packet;**
    - b) **maintaining a record of the generated packet identifiers;**

For the same reasons set forth above with respect to claims 1 and 36, the Applicant respectfully submits that claim 8 as amended is neither anticipated nor rendered obvious by Ohsawa in view of Siu et al. and, as such, is also in condition for allowance.

Claims 9-14 and 42, which depend either directly or indirectly from claim 8 and therefore incorporate all of the limitations of claim 8, are thus also believed to be novel and non-obvious over Ohsawa in view of Siu et al.

Finally, the Examiner's attention is directed to the following limitations of new claim 43:

43. A data transmission comprising:

[...]

— each of said plurality of transmission nodes comprising:

[...]

d) a control unit operative to:

- i) **generate for each packet of each aggregate traffic stream passing from said input means to said output means a unique packet identifier for distinguishing the respective packet from all of the other packets, by extracting at least a portion of the contents of the respective packet to serve as said packet identifier, wherein said at least a portion of the contents of the respective packet is not specifically designated for packet identification purposes within the respective packet;**
- ii) **maintain a record of the generated packet identifiers;**

[...]

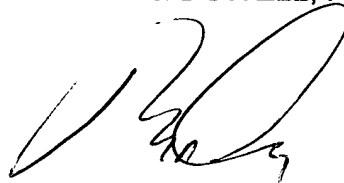
For the same reasons set forth above with respect to claims 1 and 36, the Applicant respectfully submits that new claim 43 is neither anticipated nor rendered obvious by Ohsawa in view of Siu et al. and, as such, is in condition for allowance.

**CONCLUSION**

In view of the above, it is submitted that claims 1-14, 36 and 39-43 are in condition for allowance. Reconsideration of the rejections and objections is requested. Allowance of claims 1-14, 36 and 39-43 at an early date is solicited.

If the claims of the application are not considered to be in full condition for allowance, for any reason, the Applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims or in making constructive suggestions so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,  
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